

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PHIL DEVENSHIRE,

Plaintiff,

v.

JEFFREY A. BEARD, et al.,

Defendants.

Civil Action No. 07-125 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on May 21, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 43], filed on May 22, 2008, recommended that the motion to dismiss filed by Defendant Maxa [Doc. 17] be granted; the motion for summary judgment filed by Defendants Beard, Sobina, and Skunda [Doc. 30] be granted; and the motion for summary judgment filed by Defendant Maxa [Doc. 38] be granted.

The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants by electronic notification.

Since the filing of the Report and Recommendation, Plaintiff has filed Opposition briefs to the pending motions which this Court has liberally construed as Objections. Plaintiff has not filed Objections to the Report and Recommendation despite being given the opportunity to do so.

After de novo review of all of the filings in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of July, 2008;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Maxa

[Doc. 17] is granted; the motion for summary judgment filed by Defendants Beard, Sobina, and Skunda [Doc. 30] is granted; and the motion for summary judgment filed by Defendant Maxa [Doc. 38] is granted. The Clerk of Courts is directed to mark this case closed.

The Report and Recommendation [Doc. No. 43] of Magistrate Judge Baxter, filed on May 22, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge